

RCRA REVISION CHECKLIST 80

Toxicity Characteristic; Hydrocarbon Recovery Operations
55 FR 40834-40837
October 5, 1990
as amended on February 1, 1991, at 56 FR 3978
and April 2, 1991, at 56 FR 13406-13411
(RCRA Cluster I, HSWA Rule)

This revision checklist addresses an interim final rule which extended, for 120 days (until January 25, 1991), the compliance date for requirements imposed in the Toxicity Characteristic final rule (see 55 FR 11798; March 29, 1990; Revision Checklist 74) for groundwater that is reinjected or reinfiltrated during existing hydrocarbon recovery operations at petroleum refining facilities, marketing terminals, and bulk plants engaged in hydrocarbon recovery and remediation operations. A second interim final rule on February 1, 1991 further extended the compliance date to March 25, 1991. A final rule on April 2, 1991 broadened the scope of the facilities affected by this extension to also include free hydrocarbon recovery operations at petroleum pipeline and transportation sector spill sites as well as at petroleum refineries, marketing terminals and bulk plants. Free phase hydrocarbon recovery operations involving infiltration galleries were excluded from the scope of the extension. The April final rule further extended the compliance date to January 25, 1993 for all included operations existing on or before March 25, 1991. New operations with injection wells qualify for this compliance extension only if they meet certain criteria.

Until January 25, 1993, a less stringent standard than that imposed by the Toxicity Characteristic rule is in effect for certain hydrocarbon recovery and remediation operations. Thus, States will not be required to mandate this less stringent standard in order to retain RCRA authorization. Under Section 3009 of RCRA, States may impose more stringent requirements than those imposed under Federal regulations.

RCRA REVISION CHECKLIST 80: Toxicity Characteristic;
Hydrocarbon Recovery Operations (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

†,1 EXCLUSIONS

until January 25, 1993,
exclusion for injected
groundwater exhibiting
the 261.24 Toxicity
Characteristic that is
infiltrated or re-
injected pursuant to
specified hydrocarbon
recovery operations
existing on or before
March 25, 1991; ex-
tension only until six
months after final rule
publication for ground-
water returned through
infiltration galleries;
conditions for new
operations involving
injection to qualify
for date extension:

261.4(b)(11)

operations are per-
formed pursuant to a
written state agree-
ment that includes a
provision to assess
the groundwater and
the need for further
remediation once the
free phase recovery
is completed

261.4(b)(11)(i)

RCRA REVISION CHECKLIST 80: Toxicity Characteristic;
Hydrocarbon Recovery Operations (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

2 copy of written
agreement has been
submitted to
Characteristics
Section, U.S.
Environmental
Protection Agency

261.4(b)(11)(ii)

¹ The October 5, 1990 interim final rule extended the compliance date to January 25, 1991 (see 55 FR 40834). The compliance date was further extended to March 25, 1991 by the February 1, 1991 interim final rule (see 56 FR 3978) and then to January 25, 1993 by the April 2, 1991 final rule (see 56 FR 13406).

² A copy of the agreement should be sent to the U.S. Environmental Protection Agency, Office of Solid Waste, Characterization and Assessment Division, Waste Identification Branch, Characteristics Section (OS-333); thus, the reference to the Characteristics Section found at 261.4(b)(11)(ii) should remain in a state's code. A copy of the written agreement may also be sent to the State, if the State chooses to include this requirement.